



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark Anthony Strom Examiner: SHAH, Milap  
Serial No. 10/643,002 Group Art Unit: 3714  
Filed: August 18, 2003 Docket No. 314.001US1  
Title: REEL-TYPE GAMING SYSTEM


**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- ☒ Form PTOL-85B (1pg), plus one copy
- ☒ Communication Re: Issue Fee Transmittal, with Authorization for Fee
- ☒ Copy of Notice of Allowance and Issue Fee Due
- ☒ Notice of Allowability with Examiner's Amendment and Examiner's Statement for Reasons for Allowance
- ☒ Determination of Patent Term Adjustment
- ☒ Transmittal Sheet
- ☒ Return postcard

**Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.**

**MARK A. LITMAN & ASSOCIATES, P.A.**  
York Business Center, Suite 205, 3209 W. 76<sup>th</sup> St.  
Edina, MN 55435 (952-832-9090)

By:   
Atty: Mark A. Litman  
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 12 December 2007

Mark A. Litman  
Name

  
Signature



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Serial No. 10/643,002 Group Art Unit: 3714  
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**COMMUNICATION RE: ISSUE FEE TRANSMITTAL**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the "Notice of Allowance and Issue Fee Due", dated September 19, 2007, (see enclosed copy), we submit the signed Issue Fee Transmittal along with authorization to withdraw \$720.00 from Deposit Account No. 50-1391 for the issue fee, and \$300.00 for the publication fee.

Applicant assumes the application is now in proper order and in condition for issuance. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

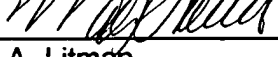
Respectfully submitted,

MARK ANTHONY STROM

By His Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, Minnesota 55435  
(952) 832-9090

Date: 12 December 2007

By:   
Mark A. Litman  
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Mark A. Litman  
Name

  
Signature



FICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

**NOTICE OF ALLOWANCE AND FEE(S) DUE**

7590

09/19/2007

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76th St.  
Edina, MN 55435

EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 09/19/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,002	08/18/2003	Mark Anthony Strom	314.001US1	2969

TITLE OF INVENTION: GAMING SYSTEM WITH MULTIPLE GENERIC AND SUBGENERIC CHARACTERISTICS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$200 <del>720</del>	\$300	\$0	\$1000	12/19/2007 <i>DC</i>

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

**HOW TO REPLY TO THIS NOTICE:****I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

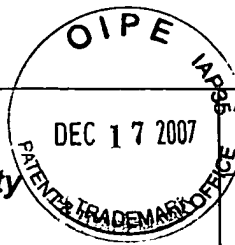
If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# Notice of Allowability

Application No.

10/643,002

Examiner

Milap Shah

Applicant(s)

STROM, MARK ANTHONY

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to requested for continued examination filed 9/7/07.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070913.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *CONTINUED EXAMINATION UNDER 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 7, 2007 has been entered.

### *ELECTION/RESTRICTION*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, drawn to a game on a gaming machine where the symbols of the game include at least two different characteristics that are selected independently, further, additional awards on top of base awards are provided for a predetermined order of the different characteristics, classified in class 463, subclass 20.
- II. Claims 16-20, drawn to a poker type game having the rank and/or suit of the cards in play to be independently selected, further, awards are based on fewer than all of the cards being in a predetermined order (variation of invention I), classified in class 463, subclass 13.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as

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claimed does not require the particulars of the subcombination as claimed because it appears that a player playing a game of Invention I obtains an award for specific generic or subgeneric characteristics being in a specific order, rather than requiring the specific order to have both characteristics for the prize. The subcombination has separate utility such as providing a game in which fewer than all symbols displayed on the screen having multiple characteristics contribute to a prize, where it appears Invention II does not analyze the multiple characteristics separately such as Invention II. Invention II could be usable with Invention I or separately.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

A telephone call was made to Mark Litman on September 13, 2007 to request an oral election to the above restriction requirement, which resulted in an election without traverse of Invention I (claims 1-15). Further, the Applicant requested to cancel claims 16-20 of the non-elected Invention by Examiner's Amendment. This is shown in the Examiner's Amendment below.

### *DRAWINGS*

The drawings were received on September 7, 2007. These drawings are accepted.

*EXAMINER'S AMENDMENT*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Litman on September 13, 2007.

The Application has been amended as follows:

In the SPECIFICATION

Title: change the title of the invention to "GAMING SYSTEM WITH MULTIPLE GENERIC AND SUBGENERIC CHARACTERISTICS"

In the CLAIMS

Cancellation of Claims: CANCEL claims 16-20.

Claims 1-15: replace the entire claim listing of claims 1-15 with the following claims:

1. A method of playing a wagering game comprising:

- a player placing a wager in a wagering machine having a processor;
- the wagering machine displaying at least a single payline of multiple symbols, the multiple symbols having a predetermined indication of order;
- the processor independently selecting one of a plurality of generic characteristics for each of the multiple symbols and independently selecting one of a plurality of separate subgeneric characteristics for each of the multiple symbols;
- the processor determining from the displayed generic characteristics of the multiple symbols alone on the payline whether the symbols have at least one of at least two available predetermined orders of the selected generic characteristics that are associated with a first award; and
- providing the player with an additional award when the determined at least one of

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the at least two available predetermined orders of generic characteristics includes a predetermined order of the selected separate subgeneric characteristics.

2. The method of claim 1 wherein the generic characteristics determined for the multiple symbols comprise playing card suit symbols also have rank symbol modifiers that distinguish like generic characteristics determined for the multiple symbols into subsets, and at least one event consisting of fewer than all of the multiple symbols on a single payline having a same generic characteristic as well as all of the multiple symbols on the single payline having the same generic characteristic symbol will assure the first award on the wager.

3. The method of claim 1 wherein increased awards above the first award are provided when the subgeneric characteristics of playing card ranks appear in a predetermined order of ranks.

4. The method of claim 2 wherein increased awards above the first award are provided when the subgeneric characteristics of playing card ranks appear in a predetermined order of ranks.

5. The method of claim 3 wherein awards vary in amount with respect to at least one predetermined order of subgeneric characteristics with one generic characteristic present in a set of symbols as compared to a same at least one other predetermined order of subgeneric characteristics with a second and different generic characteristic present in the set of symbols.

6. The method of claim 4 wherein awards vary in amount with respect to at least one predetermined order of subgeneric characteristics with one generic characteristic present in a set of symbols as compared to a same at least one other predetermined order of subgeneric characteristics with a second and different generic characteristic present in the set of symbols.

7. The method of claim 3 wherein the at least two predetermined orders of characteristics comprise orders other than Royal Flushes with card symbols in ascending or descending order.

8. The method of claim 4 wherein the at least two predetermined orders of characteristics comprise orders other than Royal Flushes with card symbols in ascending or descending order.



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9. The method of claim 5 wherein the at least two predetermined orders of characteristics comprise orders other than Royal Flushes with card symbols in ascending or descending order.
10. The method of claim 6 wherein the at least two predetermined orders of characteristics comprise orders other than Royal Flushes with card symbols in ascending or descending order.
11. The method of claim 5 wherein each frame in the at least one payline having a number of frames has a number of subgeneric characteristics available, exclusive of blank spaces, that is equal to the number of frames in the payline.
12. The method of claim 5 wherein each frame in the at least one payline having a number of frames has a number of subgeneric characteristics available, exclusive of blank spaces, that is equal to the number of frames in the payline, and the number of frames on a payline is five, and the subgeneric characteristics available consist of Aces, Kings, Queens, Jacks and Tens.
13. The method of claim 5 wherein at least two predetermined orders in a five frame payline that are payouts are selected from the group consisting of:
  - A-K-Q;
  - A-K-Q-J;
  - Q-K-A;
  - J-Q-K-A;
  - A-K; and
  - K-A.
14. A gaming apparatus for playing a computer based wagering game comprising:
  - a housing;
  - a processor;
  - a symbol display area; and
  - user interface capacity;wherein the processor is programmed to randomly provide symbols on at least one payline, the processor executing a program to perform a method comprising:
  - a player placing a wager in a wagering machine having a processor;
  - the wagering machine displaying at least a single payline of multiple symbols, the

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multiple symbols having a predetermined indication of order;

the processor independently selecting one of a plurality of generic characteristics for each of the multiple symbols and independently selecting one of a plurality of separate subgeneric characteristics for each of the multiple symbols;

the processor determining from the displayed generic characteristics of the multiple symbols alone on the payline whether the symbols have at least one of at least two available predetermined orders of the selected generic characteristics that are associated with an award;

providing the player with an additional award when the determined at least one of the at least two available predetermined orders of generic characteristics includes a predetermined order of the selected separate subgeneric characteristics; and

wherein the generic characteristics determined for the multiple symbols comprise playing card suit symbols also have rank symbol modifiers that distinguish like generic characteristics determined for the multiple symbols into subsets, and at least one event consisting of fewer than all of the multiple symbols on a single payline having a same generic characteristic as well as all of the multiple symbols on the single payline having the same generic characteristic symbol will assure a first award on the wager.

15. The apparatus of claim 14 wherein the generic characteristics shown on the multiple symbols also have subgeneric characteristic symbol modifiers that distinguish symbols having a same generic characteristic into subsets and programming requires that the at least two different predetermined orders of subgeneric characteristics also have same generic characteristic symbol modifiers.

#### *REASONS FOR ALLOWANCE*

Claims 1-15 are allowed.

The following is an Examiner's statement of reasons for allowance. A thorough search of prior art fails to disclose any reference or references, which, taken alone or in combination teach or suggest, in combination with the other limitations, "providing the player with an additional award when the determined at least one of the at least two available predetermined orders of generic

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characteristics includes a predetermined order of the selected separate subgeneric characteristics". When this limitation is recited in combination with "the processor independently selecting one of a plurality of generic characteristics for each of the multiple symbols and independently selecting one of a plurality of separate subgeneric characteristics for each of the multiple symbols" the prior art fails to read on the claimed invention.

The closest prior art is a combination of Walker et al. & Inoue as discussed in the Final Action mailed May 7, 2007. Walker teaches a substantial portion of the invention and Inoue was used to remedy the limitations that Walker lacked including the processor independently selecting two different characteristics of one of the symbols on a payline. Further, the Applicant has added that a second or additional payout is granted based on the game determining that a predetermined order of one of the characteristics exists and then determining if that predetermined order further includes a predetermined order of a second characteristic. Thus, a two step process is carried out. This process appears to be missing from the prior art and it would not have been obvious to modify the combination of Walker et al. & Inoue, as Inoue is simply a game having a reel that comprises of two independent reels and Walker makes no indication to determine an order of two different characteristics of a single symbol. For at least these reasons, claims 1-15 are allowed.


### *CONCLUSION*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

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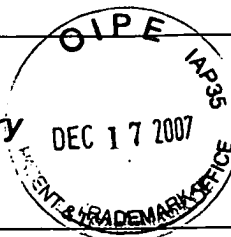
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714

M.B.S.

**Interview Summary**

Application No.

10/643,002

Applicant(s)

STROM, MARK ANTHONY

Examiner

Milap Shah

Art Unit

3714

All participants (applicant, applicant's representative, PTO personnel):

(1) Milap Shah.

(3) \_\_\_\_\_.

(2) Mark Litman.

(4) \_\_\_\_\_.

Date of Interview: 13 September 2007.Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.Claim(s) discussed: 1-15.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an  
Attachment to a signed Office action.\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

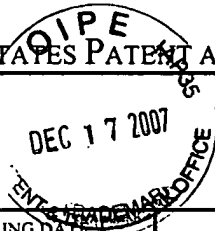
#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

- Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner telephoned the Applicant's representative for the purpose of proposing an examiner's amendment to put the case into condition for allowance. The Applicant's representative agreed to elect claims 1-15 and restrict out claims 16-20. Upon election, Applicant's representative requested claims 16-20 to be canceled within the Examiner's amendment. Further clarifying claim amendments were made to claims 1-15 for the purpose of avoiding any issues regarding antecedent basis of claim limitations. Thus, the Examiner's amendment attached with this interview summary includes the updated claim listing and restriction requirement with the Applicant's election without traverse of claims 1-15. Claims 1-15 are allowed..



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,002	08/18/2003	Mark Anthony Strom	314.001US1	2969

7590 09/19/2007

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76th St.  
Edina, MN 55435

EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 09/19/2007

*ml*

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 720 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 720 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.